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**MAILED**

JAN 12 2004

Office of the Director  
Group 3600

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

In re Application of  
Thomas E. Isaman, et al.  
Application No. 09/982,126  
Filed: October 17, 2001  
For: SIMPLE, DURABLE AND EASY TO USE  
EARTHWORKING MACHINE

This is in reply to a copy of an amendment received by facsimile transmission from applicant on October 8, 2003 which has been treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated February 20, 2003 and a Notice to that effect was mailed on September 17, 2003.

While the copy of the amendment includes a Certificate of facsimile Transmission date of March 24, 2003 any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



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KJD/cps: 1/5/03